

Message Text

CONFIDENTIAL

PAGE 01 MOSCOW 07916 01 OF 03 041453Z
ACTION EUR-12

INFO OCT-01 EA-07 ISO-00 USIE-00 ACDA-07 TRSE-00 EB-07

CIAE-00 PM-04 H-01 INR-07 L-03 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 SSO-00 NSCE-00 INRE-00

/073 W

-----041504Z 072611 /41

O R 041305Z JUN 77

FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC IMMEDIATE 8257

INFO AMEMBASSY BELGRADE

AMEMBASSY BERLIN

AMEMBASSY BONN

AMEMBASSY BUCHAREST

AMEMBASSY BUDAPEST

AMCONSUL LENINGRAD

AMEMBASSY LONDON

AMCONSUL MUNICH

USMISSION NATO

AMEMBASSY PARIS

USLO PEKING

AMEMBASSY PRAGUE

AMEMBASSY ROME

AMEMBASSY SOFIA

AMEMBASSY STOCKHOLM

AMEMBASSY TOKYO

AMEMBASSY WARSAW

DIA WASHDC

C O N F I D E N T I A L SECTION 1 OF 3 MOSCOW 7916

E.O. 11652: GDS

TAGS: PGOV, PINT, ECON, UR

SUBJECT: NEW DRAFT SOVIET CONSTITUTION

1. BEGIN SUMMARY. THE NEW DRAFT CONSTITUTION PUBLISHED

TODAY PROJECTS THE IMAGE OF THE USSR AS A MATURE, DEVELOPED,

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MOSCOW 07916 01 OF 03 041453Z

CONFIDENT SOCIALIST SOCIETY. THERE ARE NO REAL SURPRISES
AND NO MAJOR CHANGES IN THE ROLE AND STRENGTH OF THE HIGHER
ORGANS OF POWER, ALTHOUGH THERE IS A GOOD DEAL OF STREAM-
LINING EVIDENT IN DESCRIPTION OF LOWER ORGANS. A
FIRST DEPUTY SUPREME SOVIET CHAIRMAN IS CREATED THUS
FACILITATING A POSSIBLE MOVE BY BREZHNEV TO ASSUME
THE ROLE OF CHAIRMAN WHILE DELEGATING DAY-TO-DAY WORK

LOAD TO A FIRST DEPUTY. THE LANGUAGE RELATING TO ORGANIC ROLE OF THE COMMUNIST PARTY IS SIGNIFICANTLY STRENGTHENED , AND THE PRINCIPLE OF DEMOCRATIC CENTRALISM IS APPLIED TO STATE ORGANS. THERE ARE NEW SECTIONS ON FOREIGN POLICY AND DEFENSE AND A DEFENSE COUNCIL IS MENTIONED. A NEW FORM OF OWNERSHIP IS SANCTIONED, PROVISION OF PRIVATE PLOTS IS DISCRETIONARY

RATHER THAN OBLIGATORY, CENTRALIZED MANAGEMENT OF THE ECONOMY IS HIGHLIGHTED, AND ENVIRONMENTAL PROTECTION IS ADDED. HUMAN RIGHTS RECEIVE MORE PROMINENCE THAN IN THE LAST CONSTITUION, BUT ARE CLOSELY TIED TO CITIZENS' OBLIGATIONS AND THE DEMANDS OF SOCIALIST SOCIETY. THERE IS A GOOD DEAL OF EMPHASIS ON THE CREATION OF A SOVIET, AS OPPOSED TO NATIONAL, CITIZENSHIP AND CULTURE, ALTHOUGH SOME SOPS TO NATIONAL AUTONOMY ARE GIVEN. THE TEN PRINCIPLES FROM THE HELSINKI CSCE FINAL ACT ARE EN-SHRINED AS THE BASIS OF SOVIET RELATIONS WITH OTHER STATES. END SUMMARY.

2. THE NEW DRAFT CONSTITUTION WAS PUBLISHED IN THE PRESS JUNE 4 "FOR DISCUSSION". IN COMPARISION WITH THE 1936 STALIN CONSTITUION, THIS ONE GIVE THE IMPRESSION OF THE USSR AS A MATURE, RESPONSIBLE, AND DEVELOPED SOCIALIST SOCIETY. SETTING THE STAGE, A PREAMBLE GIVES GREAT PROMINENCE TO THE LEADING ROLE OF THE COMMUNIST PARTY, DESCRIBES THE USSR AS THE INSTRUMENT OF THE DEFENSE OF REVOLUTIONARY ACHIEVEMENTS AND STRESSES THAT THE USSR IS A STATE OF ALL THE PEOPLE, "THE SOVIET PEOPLE."

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 MOSCOW 07916 01 OF 03 041453Z

3. A SECTION ON THE POLITICAL SYSTEM STATES THAT ALL POWER BELONGS TO THE PEOPLE (BEFORE IT BELONGED TO THE WORKERS AND PEASANTS) WHO EXERCISE IT THROUGH THE SOVIETS. THE LEADING ROLE OF THE CP IN THE USSR IS HIGHLIGHTED IN MUCH STRONGER LANGUAGE THAN BEFORE. THE ROLES OF THE TRADE UNIONS, KOMSOMOL AND OTHER MASS ORGANIZATIONS ARE GIVEN THEIR DUE. THE LONGSTANDING PARTY PRINCIPLE OF DEMOCRATIC CENTRALISM, I.E., SUBORDINATION OF LOWER ORGANS TO HIGHER ONES ONCE DECISIONS ARE MADE, IS SPELLED OUT AND APPLIED TO GOVERNMENTAL ORGANS. "SOCIALIST LEGALITY" IS DEFINED IN TERMS OF RIGHTS OF CITIZENS (ADMITTEDLY COMING AFTER PRESERVATION OF ORDER AND INTERESTS OF SOCIETY). MORE IMPORTANT IS CLEAR STATEMENT THAT GOVERNMENT INSTITUTIONS, SOCIAL ORGANIZATIONS, AND RESPONSIBLE INDIVIDUALS MUST OBSERVE THE CONSTITUTION AND SOVIET LAWS, A CLEAR REFERENCE TO PAST EXCESSES.

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 MOSCOW 07916 02 OF 03 041634Z
ACTION EUR-12

INFO OCT-01 EA-07 ISO-00 USIE-00 ACDA-07 TRSE-00 EB-07

CIAE-00 PM-04 H-01 INR-07 L-03 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 SSO-00 NSCE-00 INRE-00

DHA-02 /075 W

-----041705Z 073030 /46

O R 041305Z JUN 77

FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC IMMEDIATE 8258

INFO AMEMBASSY BELGRADE

AMEMBASSY BERLIN

AMEMBASSY BONN

AMEMBASSY BUCHAREST

AMEMBASSY BUDAPEST

AMCONSUL LENINGRAD

AMEMBASSY LONDON

AMCONSUL MUNICH

USMISSION NATO

AMEMBASSY PARIS

USLO PEKING

AMEMBASSY PRAGUE

AMEMBASSY ROME

AMEMBASSY SOFIA

AMEMBASSY STOCKHOLM

AMEMBASSY TOKYO

AMEMBASSY WARSAW

DIA WASHDC

CONFIDENTIAL SECTION 2 OF 3 MOSCOW 7916

4. BASIC ECONOMIC TENETS REMAIN UNCHANGED. HOWEVER,
THE ECONOMIC SECTION SANCTIONS A THIRD FORM OF OWNER-
SHIP (ALREADY EXISTING IN PRACTICE) BY TRADE UNIONS
AND PUBLIC ORGANIZATIONS IN ADDITION TO STATE AND COLLECTIVE
COOPERATIVE PROPERTY. CENTRALIZED MANAGEMENT IS EMPHA-
SIZED AS ARTICLE 15 REFERS TO THE ECONOMY AS AN "INTEGRAL
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MOSCOW 07916 02 OF 03 041634Z

ECONOMIC COMPLEX". OWNERSHIP OF PRIVATE PLOTS OF LAND IS

PLACED ON SOMEWHAT LESS FIRM BASIS: CITIZENS NOW "MAY HAVE USE" OF PLOTS OF LAND ALLOCATED BY THE STATE AND BY COLLECTIVE FARMS; PREVIOUS LANGUAGE STATED THAT COLLECTIVE FARM HOUSEHOLDS "SHALL HAVE" SUCH PLOTS FOR THEIR "PERSONAL" USE. SPECIFIC MENTION IS MADE OF THE OBJECTIVE OF DEVELOPING OF COLLECTIVE FARM COOPERATIVE OWNERSHIP INTO STATE OWNERSHIP. THE ROLE OF THE STATE IS EMBELLISHED IN OTHER WAYS, TOO, I.E., IN CONTROLLING LABOR AND CONSUMPTION. ONE ARTICLE ENSHRINES THE GOALS OF THE TENTH FIVE-YEAR PLAN (1976-1980) OF RAISING EFFICIENCY AND QUALITY OF OUTPUT AND INCREASING LABOR PRODUCTIVITY. THE OLD FORMULATION, FROM EACH ACCORDING TO HIS ABILITY TO EACH ACCORDING TO HIS WORK, IS RETAINED. ANOTHER NEW ARTICLE IN THIS SECTION IS ON ENVIRONMENTAL PROTECTION.

5. A SECTION ON SOCIALIST DEVELOPMENT AND CULTURE IS CONCERNED WITH SUCH MATTERS AS REDUCING DIFFERENCES BETWEEN TOWN AND COUNTRY, INTELLECTUAL AND MANUAL LABOR, AND BETWEEN DIFFERENT NATIONALITIES. IT LOOKS TOWARD IMPROVEMENTS IN WORKING CONDITIONS, AGRICULTURE, AND BETTER HEALTH CARE, RISING INCOMES, EDUCATIONAL OPPORTUNITIES, SCIENCE, ACCESS TO CULTURE AND ART, AND RECREATION FACILITIES.

6. THERE ARE TWO NEW CHAPTERS DEVOTED TO FOREIGN POLICY (ARTICLES 28-30) AND DEFENSE (ARTICLE 30-31). THE FOREIGN POLICY OF THE USSR IS PROCLAIMED TO BE AIMED AT INSURING THE BUILDING OF COMMUNISM, THE STRENGTHENING OF WORLD SOCIALISM, THE SUPPORT OF NATIONAL LIBERATION MOVEMENTS, THE PREVENTION OF WARS OF AGGRESSION AND THE IMPLEMENTATION OF THE PRINCIPLES OF PEACEFUL COEXISTENCE.

7. MOST SIGNIFICANTLY ARTICLE 29 ENSHRINES THE TEN PRINCIPLES FROM THE CSCE FINAL ACT AS THE BASIS OF THE "RELATIONS OF THE USSR WITH OTHER STATES." THE ONLY CHANGES
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 MOSCOW 07916 02 OF 03 041634Z

ARE THAT NON USE OF FORCE IS PLACED FIRST AND SOVEREIGN EQUALITY SECOND, AND THE PHRASE "SELF DETERMINATION" (PRINCIPLE EIGHT) IS CHANGED TO "DETERMINE THEIR OWN DESTINY". ALSO, IN AN UNUSUAL PLACEMENT, "WAS PROPAGANDA", ALREADY ILLEGAL, IS OUTLAWED CONSTITUTIONALLY.

8. ARTICLE 30 DECLARIES THAT THE RELATIONS WITH SOCIALIST COUNTRIES ARE TO BE BASED ON "SOCIALIST INTERNATIONALISM" AND THUS APPEARS TO GIVE THAT PRINCIPLE EQUAL STATUS AS COMPARED TO ALL TEN PRINCIPLES IN ARTICLE 29. "THE INTERNATIONAL SOCIALIST DIVISION OF LABOR" AND ECONOMIC INTEGRATION OF THE SOCIALIST COMMUNITY WILL HAVE THE ACTIVE PARTICIPATION OF THE USSR, SAYS ARTICLE 30.

9. THE CHAPTER ON DEFENSE STATES THAT SDEFENSE OF THE "SOCIALIST MOTHERLAND" IS "A MOST IMPORTANT FUNCTION OF THE STATE" AND GOES ON TO DELINEATE HOW IT SHALL BE INSURED, NOTING THAT THE STATE WILL SUPPLY THE ARMED FORCES WITH "ALL NECESSITIES," THUS MAKING EXPLICIT THE HIGH PRIORITY FOR MILITARY REQUIREMENTS. ALL REFERENCE TO THE MILITARY FORMATIONS OF THE UNION REPUBLICS, WHICH ARE MENTIONED IN THE PRESENT CONSTITUTION (BUT NON-EXISTENT), HAVE BEEN DROPPED.

10. HUMAN RIGHTS OCCUPY A MUCH MORE PROMINENT POSITION IN THIS DRAFT THAN IN THE LAST ONE, AND THEY ARE LISTED IN GREATER DETAIL. UNLIKE THE 1936 CONSTITUTION, THE NEW ONE PRECEDES ITS LISTING OF HUMAN RIGHTS WITH THE QUALIFICATIONS THAT THEIR EXERCISE IS SUBORDINATE TO "THE INTERESTS OF SOCIETY AND OF THE STATE, (AND) THE RIGHTS OF OTHER CITIZENS." THE SECTION FIRST LISTS EQUALITY OF RIGHTS FOR WOMEN, FOREIGNERS LIVING IN THE USSR AND SOVIET ABROAD. THE RIGHT TO ASYLUM (FOR FREEDOM FIGHTERS AMONG OTHERS) IS MORE BROADLY DEFINED. THE SECTION THEN GREATLY EX-

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 MOSCOW 07916 03 OF 03 041646Z
ACTION EUR-12

INFO OCT-01 EA-07 ISO-00 USIE-00 ACDA-07 TRSE-00 EB-07
CIAE-00 PM-04 H-01 INR-07 L-03 NSAE-00 NSC-05
PA-01 PRS-01 SP-02 SS-15 SSO-00 NSCE-00 INRE-00
DHA-02 /075 W
-----041705Z 073055 /46

O R 041305Z JUN 77
FM AMEMBASSY MOSCOW
TO SECSTATE WASHDC IMMEDIATE 8259
INFO AMEMBASSY BELGRADE
AMEMBASSY BERLIN
AMEMBASSY BONN
AMEMBASSY BUCHAREST
AMEMBASSY BUDAPEST
AMCONSUL LENINGRAD
AMEMBASSY LONDON
AMCONSUL MUNICH
USMISSION NATO
AMEMBASSY PARIS
USLO PEKING
AMEMBASSY PRAGUE

AMEMBASSY ROME
AMEMBASSY SOFIA
AMEMBASSY STOCKHOLM
AMEMBASSY TOKYO
AMEMBASSY WARSAW
DIA WASHDC

CONFIDENTIAL SECTION 3 OF 3 MOSCOW 7916

PANDS ON THE OLD CONSTITUTION'S LISTING OF "REAL" RIGHTS,
E.G., TO WORK, TO HEALTH CARE AND SO ON, AND ADDS SOME NEW
ONES: THE RIGHTS TO HOUSING, CULTURE, AND TO CRITICISM
OF THE STATE AND PUBLIC ORGANS WHOSE OFFICIALS ARE OBLIGATED
TO RESPOND WITHIN LEGALLY PERSCRIBED TIME LIMITS. THE RIGHTS
TO ASSEMBLY, PRESS FREEDOM, RELIGIOUS FREEDOM, ETC., REMAIN LIMITED.
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MOSCOW 07916 03 OF 03 041646Z

INVIOABILITY OF PERSON, DOMICILE AND CORRESPONDENCE IS AGAIN
GUARANTEED. THE SECTION CONCLUDES WITH A LISTING OF CORRESPONDING
DUTIES INCLUDING MILITARY SERVICE, WORK, SAFEGARDING
SOCIALIST PROPERTY AND THE PROTECTION OF NATURE. IN
CONTRAST TO THE OLD CONSTITUTION, THE MENTION OF THE CRIME OF
HIGH TREASON HAS BEEN MADE MORE PROMINENT BY THE EXCLUSION OF
ITS DEFINITION.

11. THE CHAPTERS ON STATE AND NATIONAL STRUCTURE REMAIN
ESSENTIALLY UNCHANGED. THE RIGHT OF SECESSION OF UNION
REPUBLICS IS RETAINED, AS IS THE RIGHT OF ADMISSION
OF NEW UNION REPUBLICS. THE TERRITORIAL MAKE-UP AND
DESIGNATIONS OF AUTONOMOUS REPUBLICS REGIONS AND AREAS
IS UNCHANGED.

12. THE CHAPTER ON THE LEGISLATIVE AND EXECUTIVE ORGANS
ALSO ARE MOTLY UNCHANGED. THE PRESIDIUM OF THE SUPREME
SOVIET IS NOW TO CONSIST OF A CHAIRMAN AND A FIRST
DEPUTY CHAIRMAN AS WELL AS OF DEPUTY CHAIRMEN AND MEMBERS.
THIS IS PERHAPS DESIGNED TO ALLOW BREZHNEV TO ASSUME HEAD
OF STATE POSITION (CHAIRMAN) WHILE REDUCING THE ADDITIONAL
BURDEN ON HIM BY ASSIGNING THEM TO THE NEW FIRST DEPUTY.
THE COMPETENCY OF THE PRESIDIUM IS EXPANDED AND INCLUDES
FORMING AND APPROVING THE COMPOSITION OF THE DEFENSE COUNCIL,
MAKING CHANGES IN EXISTING LEGISLATION, AND DECIDING
QUESTIONS OF CITIZENSHIP, INCLUDING DEPRIVATION OF CITIZEN-
SHIP. THE SUPREME SOVIET CONTINUES ITS BICAMERAL NATURE
BUT ITS SIZE IS APPARENTLY DIMINISTED BY THE NEW PRO-
VISION THAT BOTH SIDES BE NUMERICALLY EQUAL (OF 750
MEMBERS EACH). THE TERM OF OFFICE OF THE ALL-UNION
AND UNION REPUBLIC SUPREME SOVIETS IS RAISED FROM FOUR
TO FIVE YEARS.

13. THE SECTION ON THE COUNCIL OF MINISTERS PRESERVES
THE THREE-TIER SYSTEM OF MINISTERS. THE CONTRAST TO THE
EXISTING CONSTITUTION, HOWEVER, THE MEMBER MINISTRIES
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 MOSCOW 07916 03 OF 03 041646Z

AND STATE COMMITTEES ARE NOT LISTED BY NAME OR TYPE, THUS
MAKING GOVERNMENT REORGANIZATION SOMEWHAT LESS
COMPLICATED A PROCESS. APPARENTLY, THE HEADS OF THE KGB,
GOSBANK, CENTRAL STATISTICAL ADMINISTRATION, AMONG OTHERS,
WILL NO LONGER BE EX OFFICIO MEMBERS OF THE COUNCIL OF
MINISTERS, SINCE THEIR ORGANIZATIONS ARE NOT STATE
COMMITTEES. HOWEVER, ANOTHER PROVISION OF ARTICLE 128
ALLOWS THE COUNCIL ADD "LEADERS OF OTHER ORGANS AND
ORGANIZATIONS" BY SUBMISSION OF THE CHAIRMAN. THE FUNC-
TIONS OF THE COUNCIL OF MINISTERS HAVE BEEN GENERALIZED.
THE OLD CONSTITUTION WAS CAST IN TERMS OF ADMINISTRATION;
THE NEW ONE INCLUDES POLICY MAKING AS WELL, AND--IN A NEW
PROVISION--ADDS RESPONSIBILITY "TO TAKE MEASURES TO EN-
SURE THE SECURITY OF THE STATE" (I.E., THE NATIONAL DE-
FENSE FUNCTION).

14. THE DEFINITIONS OF THE REPUBLIC, REGIONAL AND LOCAL
ORGANS OF POWER ARE STREAMLINED, BUT THEIR FUNCTIONS
ARE NOT SUBSTANTIALLY ALTERED. THE ORGANS OF JUSTICE
ARE SOMEWHAT REDEFINED, WITH "COURTS AND ARBITRATION"
IN ONE SECTION AND THE PROCURATORS FUNCTIONS IN A
SEPARATE SECTION. MILITARY TRIBUNALS ARE
INCLUDED UNDER THE COURT SYSTEM, AND JUDICIAL PROCEEDINGS ARE
REDEFINED IN A MANNER WHICH SEEMS TO EXPAND THE RIGHT
OF THE ACCUSED. THE FUNCTIONS OF THE PROCURATOR'S OFFICE
ARE SPELLED OUT MORE FULLY AND THE PROCURATOR GENRAL'S
TERM OF OFFICE IS REDUCED FROM SEVEN TO FIVE YEARS. THE CONCLUDING
PORTION OF THE CONSTITUTION DESCRIBES THE
CONSTITUTION AS THE "HIGHEST JURIDICAL FORCE", AND STATES
THAT ALL LAWS AND OTHER ACTS OF GOVERNMENTAL ORGANS ARE
ISSUED ON THE BASIS OF AND IN ACCORDANCE WITH IT.

MATLOCK

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptoning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PUBLIC DISCLOSURE, TEXT, REPORTS, CONSTITUTIONAL AMENDMENTS, INTELLIGENCE ASSESSMENTS
Control Number: n/a
Copy: SINGLE
Sent Date: 04-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977MOSCOW07916
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770200-0089
Format: TEL
From: MOSCOW
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770690/aaaadayk.tel
Line Count: 373
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 07964685-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 7
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 12-Jan-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2277834
Secure: OPEN
Status: NATIVE
Subject: NEW DRAFT SOVIET CONSTITUTION
TAGS: PGOV, PINT, ECON, UR
To: STATE
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/07964685-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009